

Hbeldeac

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 -----x

4 UNITED STATES OF AMERICA,

5 v.

17 Cr. 398 (ER)

6 PAUL DEAN, ROBERT ESPINEL,
7 GAETANO VELASTRO,

8 Defendants.

9 Conference
10 -----x
11

12 New York, N.Y.
13 November 14, 2017
14 12:45 p.m.

15 Before:

16 HON. EDGARDO RAMOS,

17 District Judge

18 APPEARANCES
19

20 JOON H. KIM
21 Acting United States Attorney for the
22 Southern District of New York
23 BY: KIMBERLY J. RAVENER
24 Assistant United States Attorney

25 LAW OFFICES OF ABE GEORGE, P.C.
26 Attorneys for Defendant Paul Dean
27 BY: ABRAHAM GEORGE, ESQ.

28 THE PASCARELLA LAW FIRM
29 Attorneys for Defendant Robert Espinel
30 BY: JAMES A. PASCARELLA, ESQ.

31 THE LAW OFFICE OF JOSEPH DiBENEDETTO, P.C.
32 Attorneys for Defendant Gaetano Velastro
33 BY: JOSEPH DiBENEDETTO, ESQ.

Hbeldeac

1 (Case called)

2 MS. RAVENER: Good afternoon, your Honor. Kimberly
3 Ravener for the government.

4 THE COURT: Good afternoon.

5 MR. PASCARELLA: For Mr. Espinel, James Pascarella.
6 Good afternoon, your Honor.

7 THE COURT: Good afternoon.

8 MR. GEORGE: For Mr. Dean, Abe George. Good
9 afternoon, your Honor.

10 THE COURT: Good afternoon.

11 MR. DiBENEDETTO: Hi, Judge. Joseph DiBenedetto for
12 Mr. Velastro.

13 THE COURT: And good afternoon to you all.

14 This matter is on for a status conference.

15 Ms. Ravener, tell me where we are.

16 MS. RAVENER: Yes, your Honor. Discovery has been
17 largely completed in this case. We have one outstanding
18 production that's been given to most of the defendants, but
19 require the hard drive from Mr. Espinel's counsel. We plan to
20 get that out to him this week. Once that's completed, then the
21 government's discovery obligations will be finished. From our
22 perspective, we've given over everything that we have at this
23 time.24 I believe the next order of business would then be to
25 set a motion schedule. From speaking with defense counsel,

Hbeldeac

1 it's my understanding that they may feel some additional time
2 is required to complete their review of the discovery, and also
3 for the government and the parties to complete our discussions
4 regarding the potential for a pretrial disposition here.

5 THE COURT: Okay. Who wants to speak up on behalf of
6 the back table? How much more additional time do you need?

7 MR. PASCARELLA: Judge, I would ask for the shortly
8 after the new year, if acceptable. It will allow me to --
9 because the discovery is still outstanding for me, with respect
10 to Mr. Espinel, that will give me an opportunity to review
11 that, finish reviewing what we've received so far, and engage
12 in these discussions.

13 THE COURT: Okay. Mr. George?

14 MR. GEORGE: I join that application, your Honor.
15 I've reviewed these documents provided and I have been provided
16 with the last set of discovery, but I also would like
17 additional time to complete the review.

18 THE COURT: And Mr. DiBenedetto?

19 MR. DIBENEDETTO: Same here, Judge. We would join in
20 counsel's request.

21 THE COURT: Okay. And at that time, when we get back
22 together in the early part of the year, you anticipate that you
23 will be in a position to let me know whether you're going
24 forward with motions or whether there will be dispositions?

25 MR. PASCARELLA: Yes, your Honor.

Hbe1deac

1 MR. GEORGE: Yes.

2 MR. DiBENEDETTO: Yes, Judge.

3 THE COURT: Okay. Let's see.

4 We can get together on Friday, January 5, at 10:30.

5 MS. RAVENER: That's fine for the government, your
6 Honor.

7 MR. PASCARELLA: Judge, can we have Friday, the
8 12th, at the same time?

9 THE COURT: I am on trial then and will not be able to
10 see you at 10:30. I can see you Friday, the 12th, at 12:30.

11 MR. PASCARELLA: That's fine, Judge.

12 THE COURT: Okay. Friday, the 12th --

13 MR. PASCARELLA: Thank you.

14 THE COURT: -- at 12:30. And if there's a change in
15 that trial, right now it's scheduled to go on that day, but if
16 there's a change on that trial, we may change the time of that
17 day, okay? So be on the lookout.

18 Ms. Ravener, is there anything else that we need to do
19 today?

20 MS. RAVENER: Your Honor, the government would just
21 ask that time be excluded under the Speedy Trial Act until
22 January 12.

23 THE COURT: Any objection?

24 MR. PASCARELLA: No objection, your Honor.

25 MR. DiBENEDETTO: No objection.

Hbeldeac

1 MR. GEORGE: No objection.

2 THE COURT: Very well. I will exclude the time
3 between now and January 12th to give the parties the
4 opportunity to review discovery, determine what, if any,
5 motions are appropriate, and to discuss a possible pretrial
6 disposition with the government, so that time will be excluded.

7 Is there anything else that we need to do today?

8 MS. RAVENER: Not from the government, your Honor.

9 MR. PASCARELLA: No, your Honor.

10 MR. GEORGE: Your Honor, I would just like to revisit
11 the travel restrictions in this particular case, and I
12 apologize to AUSA Ravener on this. We were trying to discuss
13 it with her prior to court. But I would ask that the Court
14 lift the travel restrictions on my client's ability to travel
15 just in the tristate area. As the Court is aware, this case
16 came to your Honor on appeal of the magistrate's decision to
17 ROR my client. My client's been a decorated NYPD veteran for
18 over 20 plus years, he's got family members, young children,
19 and he's got every incentive to stay in the jurisdiction and
20 fight out the case. I've also reviewed a great deal of
21 discovery in this matter, and without getting into litigating
22 the facts of what I've garnered, there has not been proof of
23 direct payments made to my client in exchange for any licenses
24 that he's allegedly filed for. So I just ask the Court,
25 especially with the holiday season approaching, that the Court

Hbeldeac

1 lift the travel restrictions and allow my client to travel
2 around the tristate area.

3 THE COURT: What's the current restriction?

4 MR. GEORGE: We have to ask for permission wherever my
5 client intends to go.

6 THE COURT: Well, but where is his travel currently
7 limited to?

8 MR. GEORGE: Just Eastern and Southern District.

9 THE COURT: And so you want to increase that to what,
10 New Jersey?

11 MR. GEORGE: Correct. New Jersey and --

12 (Mr. George conferring with Defendant Dean)

13 MR. GEORGE: New Jersey and the Northern District,
14 Judge.

15 THE COURT: The Northern District of New York?

16 MR. GEORGE: Correct.

17 THE COURT: Ms. Ravener?

18 MS. RAVENER: I don't think the government has an
19 objection to allowing those modest changes, your Honor.

20 THE COURT: Very well. So it will be expanded to
21 include New Jersey and the Northern District of New York.

22 MR. PASCARELLA: Your Honor, I would have a similar
23 application and ask that it be expanded to Pennsylvania and New
24 Jersey in that during the holiday time, my client is going to
25 be doing some travel, or hopes to do some traveling in those

Hbe1deac

1 areas.

2 THE COURT: And this is for Mr. --

3 MR. PASCARELLA: Espinel.

4 THE COURT: -- Espinel. Ms. Ravener?

5 MS. RAVENER: Again, your Honor, I think at this time
6 we have no objection.7 THE COURT: Okay. So as with respect to Mr. Espinel,
8 you want also the Northern District of New York or just New
9 Jersey and Pennsylvania?10 MR. PASCARELLA: Yes, and the Northern District of New
11 York, please, your Honor.12 THE COURT: Very well. So that will be amended to
13 reflect that expansion.14 MR. GEORGE: And Judge, I apologize. My client will
15 need Pennsylvania as well.

16 THE COURT: Okay.

17 MR. GEORGE: Thank you.

18 THE COURT: Unless there's anything else, we are
19 adjourned.

20 ALL COUNSEL: Thank you, your Honor.

21 THE DEPUTY CLERK: All rise.

22 ooo

23

24

25